

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By **CHAIRMAN AL BISHOP**, on January 10, 2001 at 3 P.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Al Bishop, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Bob DePratu (R)
Sen. Eve Franklin (D)
Sen. Dan Harrington (D)
Sen. Royal Johnson (R)
Sen. Jerry O'Neil (R)
Sen. Emily Stonington (D)

Members Excused: Sen. Chris Christiaens (D)
Sen. Don Hargrove (R)
Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Jeanne Forrester, Committee Secretary
Susan Fox, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 38, 1/5/2001; SB 166,
1/5/2001
Executive Action: SB 166; SB 38; SB 41; SB52

HEARING ON SB 38

Sponsor: SEN. DUANE GRIMES, SD 20, Clancy

Proponents: Mary Ann Wellbank, Department of Public Health and Human Services

Opponents: None

Opening Statement by Sponsor:

SEN. DUANE GRIMES, SD 20, Clancy, introduced SB 38, this was drafted at the request of the Department of Public Health and Humans Services (DPPHS). It is a medical support notice as required by the Federal Government. This bill makes changes to the medical support format of 1995, regarding the issuance notice of intent to enroll a student in a health insurance plan. The Child Support Enforcement Division has responsibilities for establishing health insurance orders and enforcing those orders. These are requirements of the federal law and are done so the state can get federal dollars, therefore, we must comply The Child Support Performance and Incentive Act of 1998. This does not impact employers who do not already have a health insurance plan.

Proponents' Testimony:

Mary Ann Wellbank, DPHHS, handed out a brief description of the proposal **EXHIBIT**(phs07a01) .

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. STONINGTON asked what the Medical Act Enforcement meant.

Ms. Wellbank replied that one of the things that the Child Support Enforcement Division does is establish and enforce the financial obligation of the parent. It can also set an obligation of the parent to provide medical coverage for their children, if that coverage is reasonably available to the parent by the employer.

SEN. O'NEIL asked if the guidelines are still 25% or less of the parents obligation. **Ms. Wellbank** replies these are still the guidelines as established by the Legislature when they were adopted as part of the Welfare Reform Act, several years ago.

Closing by Sponsor:

SEN. GRIMES thanked Mary Ann Wellbank for all she does and closed on the bill.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 9.1}

HEARING ON SB 166

Sponsor: SEN. EMILY STONINGTON, SD 15, Bozeman

Proponents: Suzanna Brown, Park County Health Department
Mary Sawyer, Park County Health Department
Linda Stahl, Montana Local Health Officers
Beda Lovitt, Montana Medical Association
Kathleen Martin, Department Public Health and Human
Services (DPHHS)
Denise Ingrams, DPHHS

Opponents: None

Opening Statement by Sponsor:

SEN. EMILY STONINGTON, SD 15, Bozeman introduced SB 15 at the request of DPPHS. The request comes out of the history of our state and the way we deal with the treatment of tuberculosis. The terminology in statutes in Montana law states "persons with contagious tuberculosis need to be hospitalized". Now in today's modern technology, hospitalization is not always the best treatment for someone with tuberculosis(TB). This bill does say they should be in the least restrictive environment that is still safe for the public's health.

Proponents' Testimony:

Kathleen Martin, DPPHS, came to support SB 166. The current law currently allows a noncompliant tuberculosis person to be sent to a hospital for diagnosis and treatment. By law the county officers are required that each case of TB that is identified in Montana is treated to protect the public from this communicable disease. Although the incidents of TB have decreased in recent years, we have seen a consistent number of cases in Montana. Many of the persons who have this disease many are homeless and alcoholics. SB 166 gives the public health system, the courts and the TB patients more options. It allows the court to commit a noncompliant TB patient, to a treatment that is suitable for them.

Linda Stahl, Montana Local Public Officers, said SB 166 offers flexibility to designate the courses of treatment for TB patients. Many of the TB patients are indigent and hospitals are not an option for them. This is probably a law that should have passed when Galen was closed, but better late than never.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. O'NEIL thinks this a wonderful idea.

SEN. JOHNSON wondered what kind of fiscal impact this bill could have, since there is no fiscal note. **SEN. STONINGTON** there is no fiscal note and it should be a reduction in cost.

SEN. GRIMES wondered how many people this will affect. **Ms. Ingrams** said we have averaged about 20 cases of TB per year for the last 5 years. Also, in the last five years only three person have had to be court ordered for treatment. What they were we are trying to do is use less restrictive means to obtain voluntary compliance. County health departments are required by statute to be responsible for controlling communicable diseases in their jurisdiction. They would evaluate each individual for what it will take to cure their TB, if they have no means of transportation, they would will see they have transportation. If these are homeless, they would provide housing. The minimum time frame to cure TB is 6 months and if there are complications, it is not unusual for treatment to last a year. When we offer these comprehensive services for patients, we find we get almost all of them treated in our community, outside of a facility.

SEN. GRIMES asked about a saving clause (page 5) saying this act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this bill. Does that mean litigation of someone who has already contacted TB and is TB one of those things that reoccur, he asked? **Ms. Martin** said she believed that if a commitment order is already in place, this order would not affect the commitment.

{Tape : 1; Side : A; Approx. Time Counter : 9.9 - 23.1}

SEN. BISHOP asked what would a treatment location be other than in a hospital. **Ms. Ingrams** said it could be the persons' home; and nursing homes are also alternatives. **SEN. BISHOP** wondered how contagious is TB. **Ms. Ingrams** said TB is airborne, if you share the same airspace, you could become infected. Some individuals are very contagious, and if you are inside,

transmission is more likely. The average number of infections surrounding a case are 12 to 15 contacts, and of those contacts 20% are infected.

Closing by Sponsor:

SEN. STONINGTON said that the financial burden should not be substantial and should have little effect on the states' budget, since only three persons have been committed for treatment in the last five years. She said she will not pursue a fiscal note, but will provide an explanation.

SEN. STONINGTON thanked **Ms. Martin** and **Ms. Ingrams** for their work on keeping us tuberculosis free.

{Tape : 1; Side : B; Approx. Time Counter : 0.0 - 1.9}

EXECUTIVE ACTION ON SB 166

Motion/Vote: **SEN. FRANKLIN** moved that **SB 166 DO PASS**. Motion carried 11-0. **SEN. HARGROVE** and **SEN. THOMAS** voted by proxy.

{Tape : 1; Side : B; Approx. Time Counter : 2.5 - 3.1}

EXECUTIVE ACTION ON SB 38

Motion/Vote: **SEN. FRANKLIN** moved that **SB 38 DO PASS**. Motion carried 11-0. **SEN. HARGROVE** and **SEN. THOMAS** voted by proxy.

{Tape : 1; Side : B; Approx. Time Counter : 3.3 - 3.7}

EXECUTIVE ACTION ON SB 41

Ms. Fox provided the Committee with three amendments SB004101.asf **EXHIBIT (phs07a02)**. The first amendment clarifies the title. The second amendment requires attendance and completion of the course within one year of hire. The third amendment clarifies that a permanent appointment is sufficient.

Motion/Vote: **SEN. DEPRATU** moved that **SB 41 BE ADOPTED AS AMENDED**. Motion carried 11-0. **SENATORS HARGROVE** and **THOMAS** voted by proxy.

Discussion: **SEN. O'NEIL** thought we should not make someone go to this training after they have already been working. **SEN. DEPRATU**

disagreed saying there will be a noticeable difference after someone has had training; even though they were a good dispatcher before they were trained. **SEN. BISHOP** said he agreed with **SEN. DEPRATU**, dispatchers should be trained.

SEN. GRIMES said he understood **SEN. O'NEIL'S** concern, but after much thought he realized governments role is to protect constituents, by having qualified workers.

Motion/Vote: **SEN. HARRINGTON** moved that **SB 41 DO PASS AS AMENDED**. **Motion carried 11-0**. **SEN. HARGROVE** and **SEN. THOMAS** voted by proxy.

{Tape : 1; Side : B; Approx. Time Counter : 4 - 8.7}

EXECUTIVE ACTION ON SB 52

Motion/Vote: **SEN. FRANKLIN** moved that **SB 52 DO PASS**. **Motion carried 11-0**. **SEN. HARGROVE** and **SEN. THOMAS** voted by proxy.

{Tape : 1; Side : B; Approx. Time Counter : 11.8 - 12.6}

ADJOURNMENT

Adjournment: 3:45 P.M.

SEN. AL BISHOP, Chairman

JEANNE FORRESTER, Secretary

AB/JF

EXHIBIT (phs07aad)